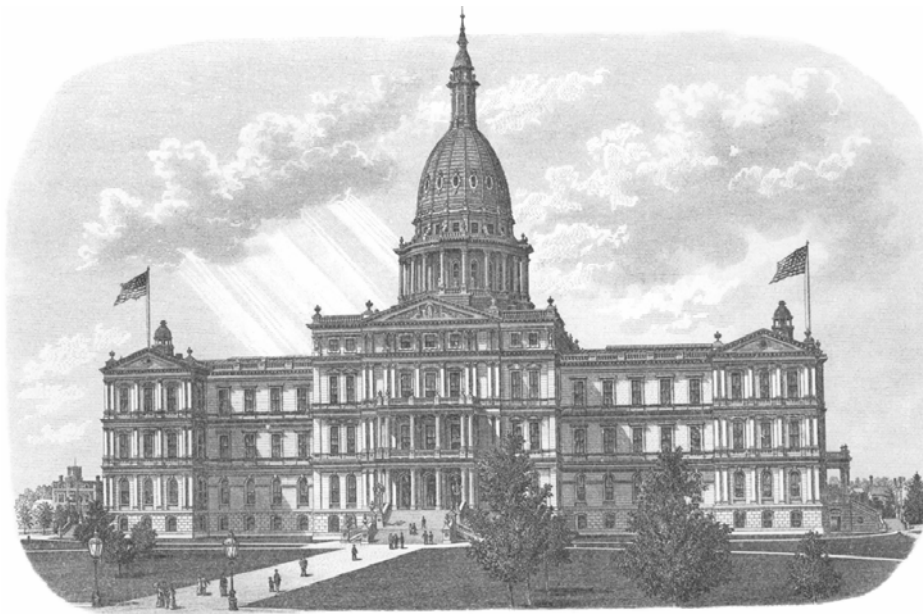


# Michigan Register

Issue No. 4— 2009 (Published March 15, 2009)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

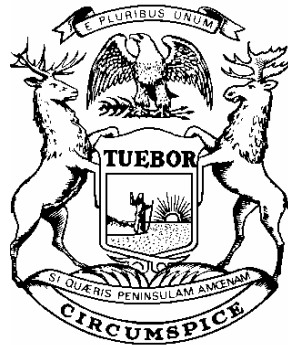
### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 4— 2009

(This issue, published March 15, 2009, contains  
documents filed from February 15, 2009 to March 1, 2009)

Compiled and Published by the  
State Office of Administrative Hearings and Rules

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Printed in the United States of America

**Michigan Register (ISSN 0892-3124).** Published twice per month, with a cumulative index, by the State Office of Administrative Hearings and Rules, pursuant to §24.208 of the Michigan Compiled Laws. Subscription \$400.00 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933

**Peter Plummer**, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

**Jennifer M. Granholm, Governor**



**John D. Cherry Jr., Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

**24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.**

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

**4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.**

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: [www.michigan.gov/cis/0,1607,7-154-10576\\_35738---,00.html](http://www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director  
State Office of Administrative Hearings and Rules



## 2009 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2009	February 1, 2009
2	February 1, 2009	February 15, 2009
3	February 15, 2009	March 1, 2009
4	March 1, 2009	March 15, 2009
5	March 15, 2009	April 1, 2009
6	April 1, 2009	April 15, 2009
7	April 15, 2009	May 1, 2009
8	May 1, 2009	May 15, 2009
9	May 15, 2009	June 1, 2009
10	June 1, 2009	June 15, 2009
11	June 15, 2009	July 1, 2009
12	July 1, 2009	July 15, 2009
13	July 15, 2009	August 1, 2009
14	August 1, 2009	August 15, 2009
15	August 15, 2009	September 1, 2009
16	September 1, 2009	September 15, 2009
17	September 15, 2009	October 1, 2009
18	October 1, 2009	October 15, 2009
19	October 15, 2009	November 1, 2009
20	November 1, 2009	November 15, 2009
21	November 15, 2009	December 1, 2009
22	December 1, 2009	December 15, 2009
23	December 15, 2009	January 1, 2010
24	January 1, 2010	January 15, 2010

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**ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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SOAHR 2007-018

DEPARTMENT OF TREASURY

STATE TAX COMMISSION

GENERAL RULES

Filed with the Secretary of State on February 20, 2009

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the state tax commission by section 9 of 1965 PA 380, and section 33 of 1969 PA 306, MCL 16.109 and 24.233)

R 209.3, R 209.5, R 209.11, R 209.12, R 209.14, R 209.15, R 209.17, R 209.18, R 209.21, R 209.23, R 209.35, R 209.36, R 209.61, R 209.62, R 209.71, R 209.72, R 209.73, R 209.74, and R 209.75 of the Michigan Administrative Code are rescinded, R 209.1, R 209.7, R 209.8, R 209.13, R 209.16, R 209.19, R 209.24, R 209.25, R 209.26, R 209.28, R 209.41, R 209.42, R 209.43, R 209.44, R 209.51, R 209.52, R 209.53, R 209.54, R 209.55, and R 209.56 of the Code are amended, and R 209.31, R 209.32, R 209.33, R 209.34, R 209.37, R 209.38, R 209.63, R 209.64, R 209.65, R 209.66, R 209.67, R 209.68, R 209.76, R 209.81, R 209.91, R 209.101 and R 209.111 are added to the Code as follows:

**PART 1. GENERAL PROVISIONS**

R 209.1 Definitions.

Rule 1. As used in these rules:

- (a) “Act” means 1893 PA 206, MCL 211.1 known as the general property tax act.
- (b) “Assessing officer” includes, in addition to an assessor, an equalization director and employees of a county equalization department.
- (c) “Assessor” means an assessing officer of a township or city who is duly elected or appointed and certified by the state assessor’s board under this act.
- (d) “Commission” means the state tax commission created by 1927 PA 360, MCL 209.101.
- (e) “Equalization director” means the head of a county equalization department appointed by the county board of commissioners and certified by the state assessor’s board under the act and R 211.441(3).
- (f) “Equalization study” means a determination of tentative equalized valuations for each class of real and personal property based on comparisons of existing assessed valuations and true cash valuations as prescribed by chapter 16 of the state tax commission assessors’ manual as amended by state tax commission bulletins, and shall be the beginning point for county and state equalization for the following year.
- (g) “Manual” means the assessor’s manual prepared and/or approved by the state tax commission in accordance with the provisions of MCL 211.10e.

R 209.3 Rescinded.

R 209.5 Rescinded.

R 209.7 Business hours; commission meetings.

Rule 7. (1) The office of the commission is in Lansing, Michigan and is open from 8 a.m. to 12 noon and from 1 p.m. to 5 p.m. daily, except Saturdays, Sundays, and legal holidays.

(2) The commission shall meet in regular session in each of 6 months each year and at special meetings at the call of the chairman.

R 209.8 Filing of papers.

Rule 8. Papers required by statute or rule to be filed with the commission shall be filed with the executive secretary of the commission.

R 209.11 Rescinded.

R 209.12 Rescinded.

R 209.13 Transcripts of meetings.

Rule 13. (1) The state tax commission shall record the meetings. These recordings shall not be transcribed.

(2) A party who desires to transcribe a meeting or portion of a meeting, shall provide written notice to the commission at least 3 business days prior to the meeting and shall furnish a copy of the transcript to the commission without cost.

(3) Copies of tapes of the meetings will be provided upon written request and payment of a fee to be determined by the commission.

R 209.14 Rescinded.

R 209.15 Rescinded.

R 209.16 Exhibits presented at meetings.

Rule 16. Documents and papers offered in evidence by the parties at a meeting before the commission shall be marked as exhibits. Exhibits offered by a taxpayer shall be marked "Taxpayer's Exhibit No. \_\_\_\_" and shall be consecutively numbered. Exhibits offered by any other party shall be marked "(type of party) Exhibit No. \_\_\_\_" and shall be consecutively numbered. Exhibits offered by the commission or its representative shall be marked "Commission Exhibit No. \_\_\_\_" and shall be consecutively numbered.

R 209.17 Rescinded.

R 209.18 Rescinded.

R 209.19 Briefs.

Rule 19. At the request of the commission, parties may file briefs and reply briefs before a meeting within a time frame designated by the commission.

## PART 2. LOCAL PROPERTY TAXES

R 209.21 Rescinded.

R 209.23 Rescinded.

R 209.24 Personal property examiner; certification.

Rule 24. (1) An application for certification as a personal property examiner shall provide a complete background of education and experience in property tax administration and shall be filed with the commission.

(2) The commission shall certify as qualified any applicant for a personal property examiner certificate who has successfully passed an examination conducted by the commission.

(3) A certificate shall be surrendered to the commission by any holder who is not employed by or is under contract with an assessor's office, county equalization department, or the commission.

(4) If a person whose certificate was surrendered reenters employment of, or contracts with, an assessor's office, county equalization department, or the commission during the term of the certificate, his or her certificate shall be restored.

R 209.25 Appraisal manuals.

Rule 25. (1) Two copies of an appraisal manual, other than the current assessors' manual, which is to be used by an independent appraisal firm in Michigan, shall be submitted to the commission for approval. Any appraisal manual previously approved by the commission shall be resubmitted to the commission every 5 years for reapproval.

(2) The commission shall maintain a list of approved appraisal manuals.

R 209.26 Assessors; preparation of assessment roll.

Rule 26. (1) An assessing officer shall prepare an assessment roll for the unit of government for which he or she is the duly elected or appointed assessing officer. All assessment records, market analysis studies, assessment and tax rolls, and computer databases used by the assessing officer are the property of the assessing unit and are to be available to the state tax commission and the county equalization department for the purpose of county and state equalization.

(2) The assessment roll shall be prepared in accordance with the general property tax law at the legislatively prescribed level of valuation as set forth in section 27 of the act and Const 1963, art IX, §3.

(3) The assessor shall prepare the roll using the assessors' manual or a manual approved by the commission.

(4) All entries in the annual assessment roll prepared by the assessor shall be machine-printed or handwritten in permanent ink.

(5) When a nonresident taxpayer requests, in writing, information regarding the amount of the assessment against his or her property, the assessor shall reply within a reasonable time.

(6) An assessor shall file both of the following reports:

(a) A report on form L4021 for real property shall be filed with the county equalization department immediately following adjournment of the board of review.

(b) A report detailing all of the information required on form L4022 shall be filed with the equalization department and the commission immediately following adjournment of the board of review.

(7) In presenting a plan for a real estate index number system, provided for by section 25a of the act, to the commission for approval, the assessing officer shall conform to the provisions set forth in chapter 2 of the assessors' manual.

R 209.28 Board of review; procedure.

Rule 28. (1) The secretary of the board of review shall make a record of the proceedings of the board of review. The proceedings shall consist of the minutes of the proceedings of the board of review, which, together with the petitions for review, shall constitute the record of the board of review.

(2) The commission shall prescribe the minimum requirements for the record through its bulletins.

(a) A sample form for taxpayer petition to the board of review shall be furnished by the commission.

(3) The record, as prescribed by the commission, may be expanded, but shall not be less than prescribed.

(4) Each action of the board of review to change the valuation, either upon its own motion or upon petition filed by a property owner, shall be by roll call vote and shall be entered in the minutes of the board and entered by the board in permanent ink in a separate column of the assessment roll being reviewed.

### PART 3. ASSESSMENT OF OMITTED OR INCORRECTLY REPORTED PROPERTY

#### R 209.31 General policy statement.

Rule 31. (1) The commission does not have jurisdiction to hear a taxpayer request to remove personal property from the roll when the taxpayer fails to file or fails to timely file a personal property statement.

(2) In addition to the authority to add real property to the roll, the commission has jurisdiction to remove real property from the roll. Examples include, but are not limited to the following:

(a) Incorrect measurement

(b) Errors of inclusion, for example, pole barn not built or placed on an incorrect parcel.

(3) The commission does not have jurisdiction to add or remove property for a period before the last change of ownership of the property.

(4) All required information shall be provided to the commission at the time a petition is filed. This includes fully filling out the form with all required information and providing a record card or applicable personal property statement or statements and any other information requested by staff. A violation of this subrule shall result in dismissal of the petition.

(5) An assessor shall file a petition under MCL 211.154 with the commission to remove real or personal property upon discovery that a correction needs to be made and when the commission has jurisdiction. For example, if a taxpayer timely filed personal property statements and an audit results in 2 years of underpayment by the taxpayer and 1 year of overpayment, then the assessor shall file for all 3 years.

(6) In subrule (5) of this rule, the assessor shall not “net out” the overpayment and underpayment, all three years shall be filed.

#### R 209.32 Notification of omitted or erroneously reported property.

Rule 32. (1) Any person may notify the commission, as provided in section 154 of the act, that property liable to taxation has been omitted from the assessment roll or that property has been incorrectly reported for the current year or 1 or both of the 2 immediately preceding years.

(2) If the notice is from a property owner that an erroneous property statement was timely filed with the assessing officer for the tax year, then the property owner shall file the notification on form L-4155 prescribed by the commission.

(3) If the notice is from an assessor or county equalization director that property liable to taxation has been incorrectly reported or omitted from an assessment roll, then he or she shall file the notification on form L-4154 as prescribed by the commission.

(4) If the notification is from a person other than a person listed in subrules (2) and (3) of this rule, the commission shall investigate the allegation.

(5) The commission shall prescribe the forms to be filed.

R 209.33 Notification of omitted or erroneously reported property from assessor or county equalization director.

Rule 33. (1) A notification of omitted or erroneously reported property from an assessor or county equalization director shall contain the requested correct assessed valuation.

(2) An assessor or county equalization director shall seek concurrence of the property owner in the requested correct assessed valuation on form L4154. Form L4154 may be sent to the commission at the same time as it is sent to the property owner in order to preserve jurisdiction over an assessment year. The commission shall order an assessment, which in its judgment is proper, to be placed on the current assessment roll. The commission shall certify to the treasurer the amount of the taxes due for each year except the current year.

(3) If the property owner disagrees with the requested assessment, the commission shall inform the property owner and assessor, in writing, of the time and place of the meeting at which the commission shall determine an assessment.

(4) The commission shall order an assessment, which in its judgment is proper, to be placed on the appropriate assessment roll. The commission shall certify to the treasurer the amount of the taxes due for each year except the current year.

R 209.34 Notification of omitted or incorrectly reported property from owner.

Rule 34. (1) A notification from a property owner of omitted or incorrectly reported property shall be initiated by submission of an L4155 form.

(2) The completed form, which shall include the requested assessment, shall be submitted to the commission, together with all of the following, if applicable:

(a) A copy of the property statement, which was filed timely for the year in question.

(b) A revised property statement.

(c) Supporting data.

(3) The property owner shall seek concurrence of the assessor in the requested assessment on form L4155. Form L4155 may be sent to the commission at the same time as it is sent to the assessor to preserve jurisdiction over an assessment year.

(4) If both the property owner and assessor concur, the commission may order an assessment which in its judgment is proper, to be placed on the current assessments roll. The commission shall certify to the treasurer the amount of the taxes due for each year except the current year.

(5) If the assessor disagrees with the proposed revised assessed valuation, the commission shall inform the property owner and assessor, in writing, of the recommendation and of the time and place of the meeting at which the commission shall determine an assessment.

(6) If both the property owner and assessor concur, the commission shall order an assessment, which in its judgment is proper, to be placed on the appropriate assessment roll. The commission shall certify to the treasurer the amount of the taxes due for each year except the current year.

R 209.35 Rescinded.

R 209.36 Rescinded.

R 209.37 Notification of omitted or incorrectly reported property from other than owner, assessor, or county equalization director.

Rule 37. (1) If a notification is received from a person other than a property owner, an assessor, or a county equalization director that property liable to taxation has been incorrectly reported or omitted from an assessment roll for the current year or either of the 2 immediately preceding years, the commission shall investigate the allegation.



(2) Upon completion of the investigation, the commission shall transmit to the property owner and assessor the recommended assessed valuation and seek concurrence on form L-4156. The commission shall notify the property owner and assessor of the time and place of the meeting at which the commission shall determine an assessment.

(3) The commission shall order an assessment, which in its judgment is proper, to be placed on the appropriate assessment roll. The commission shall certify to the treasurer the amount of the taxes due for each year except the current year.

R 209.38 Case record; availability to tax tribunal.

Rule 38. The record in each case shall be available to the Michigan tax tribunal for subsequent proceedings as provided in section 154(4) of the act.

#### PART 4. EQUALIZATION AND UTILITY ASSESSMENTS

R 209.41 Department of equalization; establishment; duties of director.

Rule 41. (1) The county board of commissioners of each county shall establish a department of equalization and shall appoint a director of the department as provided in section 34 of the act.

(2) The equalization director shall make an equalization study of the assessed valuations and true cash value of each class of real estate and of personal property in each assessment district in the county each year for the purpose of determining the total value of the county and the valuation of each assessing district, township, and city, for county and state equalization purposes.

(3) In conducting an equalization study, the equalization director shall use only the methods and procedures prescribed by the commission in chapter 16 of the manual, as amended. Reports filed shall be on forms prescribed by, and in accordance with instructions furnished by, the commission.

(4) The equalization director shall file an interim status report with the commission not later than June 30 of each year. The report shall be on a form prescribed by the commission.

(5) The equalization director shall prepare, in duplicate, the report of the equalization study and shall submit 1 copy to the county board of commissioners and 1 copy to the commission—not later than December 31.

(6) The equalization director of each county shall prepare a report each year which shall recommend the equalized value of each class of real property and of personal property for each township and city in the county and shall present it to the county board of commissioners not later than the second Monday in April of each year. The equalization director shall file form L4023 for each unit in the county with the commission not later than the third Monday in April of each year.

(7) The report required in subrule (8) of this rule shall be based on the equalization study presented to the commission on the immediately preceding December 31, updated to include any further equalization study information, and the audited reports submitted by each assessing officer on forms L4021, L4022, and L4023.

(8) The equalization director of each county shall file with the commission the tabular statement of county equalization adopted by the county board of commissioners on form L4024 prescribed and furnished by the commission.

R 209.42 Equalization; commission responsibilities.

Rule 42. (1) In assisting the equalization departments in the conduct of the county equalization study, the commission staff shall do all of the following:

(a) Review sales information.

(b) Review appraisal methods.

(c) Observe and report compliance or noncompliance with the manual to the commission.

- (d) Review tentative forms L4030, L4031, and L4032 and provide a report to the commission by November 1.
- (e) Review preliminary forms L4030, L4031, and L4032 and provide a report to the commission by February 1.
- (f) Make a final report on forms L4030, L4031, and L4032 to the commission after the adoption of the equalization report by the county board of commissioners.
- (2) Upon receipt by the commission of a report setting forth the methods being employed by a county equalization department will not produce an accurate determination of true cash value for a county, the commission shall promptly advise the chairperson of the county board of commissioners and the equalization director by certified mail.
- (3) The reports to the commission on forms L4030, L4031, and L4032, after having been reviewed by the commission, shall be available to equalization directors for examination and copying upon request.

R 209.43 State equalization procedure.

Rule 43. (1) The commission shall convene on the second Monday in May for the purpose of receiving recommended state equalized valuation for each county.

- (2) The commission shall give notice of the time and place of the meeting to each county. The notice shall be by first-class mail.
- (3) The commission shall cause a copy of preliminary recommended valuations to be distributed to the representatives of each county in attendance.
- (4) The commission shall hear the equalization director of each county or its duly authorized representative who desires to address the commission.
- (5) The commission shall inform the county boards of commissioners of its availability for discussion with representatives of the county during the period between the second and fourth Mondays in May.
- (6) The commission shall cause to be prepared and printed a tabular statement showing, by county in an aggregate amount and by county for personal property and each classification of real property, all of the following:
  - (a) The total assessed valuation.
  - (b) The valuation as equalized by the county board of commissioners for the current year.
  - (c) The valuation as equalized by the commission for the preceding year.
  - (d) The equalized valuation recommended by the state tax commission.
- (e) The executive secretary shall forward a copy of such statement to the clerk of each county in the state.
- (7) The commission shall hold a formal hearing on the fourth Monday in May, unless the day is a holiday, in which case the hearing shall be on the Tuesday after the fourth Monday.
- (8) Upon conclusion of the hearing, the commission shall adopt, by roll call vote, the final state equalized valuation report.
- (9) The executive secretary of the commission, after the determination of the commission has been filed in his or her office, shall send a certified transcript of the determination to the treasurer of each county.

R 209.44 Assessment of utilities.

Rule 44. (1) The annual reports of a state assessed utility shall be filed in a manner and on forms prescribed by the commission.

- (2) Reports required to be filed by local governing officials listing valuation and taxes levied shall be on forms and in the manner as prescribed by the commission.
- (3) The annual meeting of the commission for the annual assessment of state assessed utilities shall be conducted pursuant to MCL 207.11.

## PART 5. INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

### R 209.51 Certificate application.

Rule 51. An application for an industrial facilities exemption certificate for a facility to be situated in a previously established rehabilitation district or industrial development district shall be made on a form prescribed by and furnished by the commission. A completed application and required documents shall be filed with the commission. A local legislative body shall not approve an application or portion of an application unless it meets the requirements of 1974 PA 198, MCL 207.551.

### R 209.52 Notice of project abandonment or construction delay.

Rule 52. The holder of an industrial facilities exemption certificate shall notify the local unit and the commission, when a project for which the certificate was issued is abandoned and request revocation.

### R 209.53 Extension of time to complete project; request.

Rule 53. (1) A request for an extension of time for completion of a project, not to exceed 1 year, including the installation of all tangible personal property, provided for in section 15(2) 1974 PA 198, MCL 207.565(2), shall be filed with the local unit of government within the final year of the 2-year construction period.

(2) Upon receipt of a request for extension, the local unit may do any of the following:

(a) Deny the request.

(b) Approve the request with no change in the ending date of the certificate was issued.

(c) Approve the extension of time for the completion of the project and a revised ending date on the certificate, not to exceed 1 year.

(3) A request for an extension of time for the completion of a project shall be filed with the commission by the certificate holder and shall be accompanied by a resolution of approval adopted by the local governmental unit.

### R 209.54 Revision of final project cost; approval; request for revised certificate.

Rule 54. (1) If the final cost of a project, either the real or tangible personal property components, will be greater by more than 10% of the estimated amount indicated on the original application form, a certificate holder shall request in writing that the local governmental unit approve the additional cost. Upon receipt of a request, the clerk of the local governmental unit shall notify in writing the assessor, and the legislative body of each taxing unit and shall afford the applicant, the assessor, and a representative of the affected taxing units an opportunity for a hearing.

(2) If the scope of the project increases by either additional real and/or tangible personal property components, the certificate holder shall file an amended application and revised list of improvements with the clerk of the local unit. Upon receipt of an amended application, the clerk of the local governmental unit shall notify in writing the assessor and the legislative body of each taxing unit and shall afford the applicant, the assessor, and a representative of the affected taxing units an opportunity for a hearing.

(3) If a local unit of government approves a revised cost or revised scope in accordance with subrule (1) or (2) of this rule, the clerk of the local unit shall forward a copy of the amended application, revised list of improvements, and resolution of approval to the commission.

### R 209.55 Notification certification of date of project completion; filing of final cost.

Rule 55. (1) The holder of an industrial facilities exemption certificate shall notify the assessing officer of the local unit and the commission of the date of completion and final investment cost of a project.

(2) The notification of completion shall be in writing and shall be within 30 days of completion.

(3) The final cost of the project shall be in writing and shall be filed with the assessing officer and the commission within 90 days after completion.

R 209.56 Certificate duration; extension of expiration date.

Rule 56. Real property covered under an industrial facilities tax exemption certificate that is leased shall not be granted unless the lessee is responsible for the property tax liability of the property for the length of the certificate.

R 209.61 Rescinded.

R 209.62 Rescinded.

## PART 6. HEARINGS

R 209.63 Representation.

Rule 63. In a formal hearing before the commission, an individual may represent himself or herself, and a partnership or corporation may be represented by a partner or officer. In any case, the individual, partnership, or corporation may be represented by an attorney or other authorized representative.

R 209.64 Notice of hearings.

Rule 64. When a matter is placed on the calendar for hearing, the commission's executive secretary shall notify the parties of the time and place of hearing not less than the required statutory notice period before the day of the hearing, which shall be not less than 14 days before the day of the hearing.

R 209.65 Hearings.

Rule 65. (1) A hearing before the commission shall be conducted in accordance with 1976 PA 267, MCL 15.261.

(2) Hearings shall be conducted informally but shall be taped. Copies of tapes of the hearing will be provided upon written request at a fee to be determined by the commission.

R 209.66 Failure to appear.

Rule 66. A continuance shall not be granted due to the unexcused absence of a party, a party's representative, or a party's attorney at the time and place set for the hearing before the commission. The hearing shall proceed and the case shall be regarded as submitted on the part of the absent party.

R 209.67 Evidence.

Rule 67. (1) The commission shall take official notice, without further identification, of the contents of original records and documents in possession of the commission when duly certified copies are offered in evidence and made a part of the record. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

(2) None of the following constitute evidence:

(a) Statements of counsel.

(b) Unidentified and unauthenticated documents and letters.

(c) Affidavits which have not been submitted before the hearing to the opposite party and the commission.

(d) Briefs and arguments.

R 209.68 Exhibits.

Rule 68. (1) Documents and papers offered in evidence by the parties at a hearing before the commission shall be marked as exhibits. Exhibits offered by a taxpayer shall be marked "Taxpayer's

Exhibit No. \_\_\_\_” and shall be consecutively numbered. Exhibits offered by any other party shall be marked “(type of party) Exhibit No.\_\_\_\_” and shall be consecutively numbered. Exhibits offered by the commission or its representative shall be marked “Commission Exhibit No.\_\_\_\_” and shall be consecutively numbered.

(2) Qualified exhibits which are submitted at a hearing shall remain with the commission until 60 days after an official order is rendered, after which they shall be returned to the party that offered them in evidence, if the party so requests.

R 209.71 Rescinded.

R 209.72 Rescinded.

R 209.73 Rescinded.

R 209.74 Rescinded.

R 209.75 Rescinded.

## PART 7. WATER POLLUTION CONTROL EXEMPTION CERTIFICATE

R 209.76 Water pollution control exemption certificate.

Rule 76. (1) An application for water pollution control exemption certificate shall be made on a form prescribed by and furnished by the commission. Complete applications shall be filed with the commission by the applicant. A preliminary review will be performed by staff. Complete pollution applications shall be forwarded to the department of environmental quality for recommendation of approval, partial approval, or denial, and to the local governmental unit for review. An application, or portion of an application, shall not be approved unless it meets the requirements of 1994 PA 451, MCL 324.3701.

(2) Complete pollution control applications requesting exemption for new improvements, amendments, or transfers received through June 15 shall receive consideration and action by the commission before December 31. An application received on or after June 16 shall be considered by the commission contingent upon staff availability.

(3) An owner of facilities replacing equipment previously exempted under a pollution control certificate may request the adjustment of costs by written letter to the commission on or before October 31. Requests received on or after November 1 shall receive consideration and action by the commission contingent upon staff availability.

(4) All objections to the department of environmental quality application review must be received in writing by the commission within 21 days of the date of the letter informing the applicant and local unit of the recommendation of the department of environmental quality. Written objections received after the 21-day period will be considered untimely filed.

## PART 8. AIR POLLUTION CONTROL EXEMPTION CERTIFICATE

R 209.81 Air pollution control exemption certificate.

Rule 81. (1) An application for air pollution control exemption certificate shall be made on a form prescribed by and furnished by the commission. A completed form and required documents shall be filed by the applicant with the commission. A preliminary review will be performed by staff. All air pollution applications shall be forwarded to and reviewed by the department of environmental quality

for recommendation of approval, partial approval or denial. An application, or portion of an application, shall not be approved unless it meets the requirements of 1994 PA 451, MCL 324.5901.

(2) All complete applications for air pollution control exemption certificates received through June 15 shall receive consideration and action by the commission before December 31. An application received on or after June 16 shall be considered by the commission contingent upon staff availability.

#### PART 9. OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

R 209.91 Obsolete property rehabilitation exemption certificate.

Rule 91. (1) An application for obsolete property rehabilitation exemption certificate shall be made on a form prescribed by and furnished by the commission. A complete application shall be filed with the commission. A local legislative body shall not approve an application unless it meets the requirements of 2000 PA 146, MCL 125.2781.

(2) All complete applications for obsolete property rehabilitation exemption received through October 31 shall receive consideration and action by the commission before December 31. An application received on or after November 1 shall be considered by the commission contingent upon staff availability.

(3) All obsolete property rehabilitation applications submitted to the commission must include a statement from the assessor of the local unit indicating the type and amount of obsolescence for the facility requesting consideration of exemption.

#### PART 10. NEW PERSONAL PROPERTY EXEMPTION

R 209.101 New personal property exemption.

Rule 101. (1) An application for new personal property tax exemption shall be made on a form prescribed by and furnished by the commission. A fully completed application and required documents as determined by the commission shall be filed with the commission. A local legislative body shall not approve an application unless it meets the requirements of 1998 PA 328, MCL 211.9f.

(2) An exemption for new personal property issued by the commission shall relate to all new personal property placed within the eligible district after the date of the resolution approved by the local jurisdiction.

#### PART 11. COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE

R 209.111 Commercial rehabilitation exemption certificate.

Rule 111. (1) An application for commercial rehabilitation tax exemption certificates shall be made on a form prescribed by and furnished by the commission. A fully completed form and required documents as determined by the commission shall be filed with the commission. A local legislative body shall not approve an application unless it meets the requirements of 2005 PA 210, MCL 207.841.

(2) All complete applications for obsolete property rehabilitation exemption certificates received through October 31 shall receive consideration and action by the commission before December 31. An application received on or after November 1 shall be considered by the commission contingent upon staff availability.

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**ADMINISTRATIVE RULES**

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SOAHR 2007-019

DEPARTMENT OF AGRICULTURE

OFFICE OF RACING COMMISSIONER

GENERAL RULES

Filed with the Secretary of State on February 25, 2009

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the office of racing commissioner by section 7 of 1995 PA 279, MCL 431.307)

R 431.1301, R 431.3090, and R 431.4205 of the Michigan Administrative Code are amended as follows:

R 431.1301 Medications and drugs.

Rule 1301. (1) It is the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interest of the public and the racing participants through the prohibition or control of all drugs, medications, substances foreign to the natural horse, or naturally occurring substances at unnaturally high levels.

(2) A drug or foreign substance, as defined by the act, that is classified as or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse shall not be administered to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state. For the purposes of this rule, a horse that is intended to be entered is a horse that has its name put into the draw for a specific race. A horse that is entered in a race is a horse that has been drawn into a specific race.

(3) A drug or foreign substance, as defined by the act, that is not classified as or does not act as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse may be administered to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state only when authorized by the rules of the commissioner for use in the care or treatment of the horse.

(4) Phenylbutazone is authorized for administration to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state if all of the following conditions are met:

(a) Before administration, a veterinarian who is licensed by the commissioner shall have prescribed the use of phenylbutazone for the cure or treatment of an existing illness, disease, or condition in the horse.

(b) The phenylbutazone shall be administered to the horse by a veterinarian who is licensed by the commissioner or, if administered orally, by the trainer of the horse who is acting under the direction of the veterinarian.

(c) Blood samples that are obtained for testing shall not contain concentrations of phenylbutazone or oxyphenbutazone of more than 5 micrograms per milliliter of serum or plasma. Serum or plasma samples that contain concentrations of more than 5 micrograms per milliliter of phenylbutazone or oxyphenbutazone violate these rules and subject the trainer to disciplinary action by the commissioner.

(d) Phenylbutazone shall not be administered to a 2-year-old horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.

(5) Furosemide is authorized for administration to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state if all of the following conditions are met:

(a) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

(b) The form must be received by the official veterinarian or his/her designee by the time of entry.

(c) If a horse has been determined to require furosemide by a veterinarian and trainer who are employed or licensed by another racing jurisdiction, then the commissioner's veterinarian shall place the horse's name on the furosemide list and authorize the horse to race in Michigan on furosemide upon the presentation of any of the following by the horse's trainer:

(i) Written certification from a licensed veterinarian in another racing jurisdiction that the horse is a furosemide user or requires furosemide.

(ii) Written verification on the horse's foal papers or eligibility papers that the horse is a furosemide user.

(iii) Publication in official charts or past performance lines for the horse that identifies the horse as a furosemide user.

(d) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request shall be made to the commissioner's veterinarian or his/her designee before time of entry. A horse that has been removed from the furosemide list may not be placed back on the list for a period of 60 calendar days, unless it is observed and certified to be a bleeder by a licensed veterinarian. Certification by the licensed veterinarian shall be in writing on the prescribed form and, once certified, the horse shall be placed on the stewards' list for the required number of days as provided in R 431.1325.

(e) A horse which has been placed on the furosemide list shall be administered furosemide in compliance with these rules not less than 3 hours before the scheduled post time within the restricted area of the racetrack for each race in which the horse is entered. A grace period of 30 minutes may be granted by the stewards upon notification that the horse has been delayed in reaching the track.

(f) The allowable dosage of furosemide shall be determined by the commissioner.

(g) The furosemide shall be administered by a veterinarian who is licensed by the commissioner.

(h) Each time furosemide is administered pursuant to the provisions of this rule, the attending veterinarian shall verify the administration on a form prescribed by the commissioner before the scheduled post time of the race in which the horse is entered.

(i) Furosemide shall not be administered to a 2-year-old standardbred horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.

(6) Leg paints and liniments may be administered externally to a horse by topical application if they do not contain ethyl aminobenzoate or any caine derivatives and if they can be applied topically without penetrating the skin.

(7) A drug or foreign substance, as defined by the act, shall not be present or carried in a horse that is entered or participates in any race conducted at a licensed race meeting in the state, unless the drug or foreign substance has been specifically authorized by the commissioner for use in the cure or treatment



of an existing illness, disease, or condition in the horse pursuant to the provisions of subrules (4), (5), and (6) of this rule.

(8) A finding by the commissioner's designated laboratory that a drug or foreign substance, as defined by the act, is present in a urine, blood, or any other type of sample that is obtained by authorized representatives of the commissioner from a horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state shall be prima facie evidence that such drug or foreign substance was present and carried in the body of the horse after the horse was entered in the race and at the time the sample was obtained from the horse. Such laboratory finding shall also constitute prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before, during, and after the race before the test sample was obtained.

(9) A veterinarian or any other person shall not have, in his or her possession, within any racetrack enclosure, any drug or foreign substance that has not been approved by the food and drug administration pursuant to the federal food, drug and cosmetic act, *as amended through December 31, 2004*, Section 108 of Animal Drug Amendments of 1968.

(10) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any drug or foreign substance, as defined by the act, that is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse.

(11) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any hypodermic needle or syringe or other equipment for hypodermic administration; any drug or foreign substance, as defined by the act, that can be administered by hypodermic or rectal administration; or any suppositories or equipment for rectal infusion.

(12) Notwithstanding the provisions of subrules (10) and (11) of this rule, a person may have, in his or her possession, on the grounds of a licensed race meeting, any drug or foreign substance, as defined by the act, for administration to his or her own person, if such possession is otherwise permitted under state or federal law. If state or federal law prohibits the dispensing of the drug or foreign substance without a prescription, then the person who is in possession of the drug or foreign substance shall also have, in his or her possession, documentary evidence that a valid prescription for the drug or foreign substance was issued to him or her. If the drug or foreign substance is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic, then the person shall not possess or use the drug or foreign substance on his or her own person on the grounds of a licensed race meeting unless he or she first obtains specific written permission from the commissioner, a deputy commissioner, a state steward or a commissioner's designee, for such possession and use on racetrack grounds.

(13) Notwithstanding the provisions of subrule (11) of this rule, a person may possess, on the grounds of a licensed race meeting, hypodermic needles and syringes and suppositories and equipment for rectal infusion for the purpose of administering a prescribed drug or foreign substance to himself or herself if he or she has first notified the commissioner, a deputy commissioner, a state steward, or commissioner's designee, of his or her possession of the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance to be administered and has received specific written permission from the commissioner, deputy commissioner, a state steward, or commissioner's designee to possess and use the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance on himself or herself while on racetrack grounds.

(14) A veterinarian who is licensed by the racing commissioner may possess, on the grounds of a licensed race meeting, any equipment and any drugs or foreign substances, as defined by the act, which are recognized and accepted in veterinary medicine for use in the veterinary care and treatment of horses and which are not otherwise prohibited under state or federal law.

(15) When imposing penalties for a violation of the provisions of this rule, the commissioner, deputy commissioners, or the stewards shall consider all relevant factors, including, but not limited to, all of the following:

(a) The nature of the unauthorized drug or foreign substance or drug paraphernalia that is involved and its effect or potential effect on a horse's racing performance or the outcome of the race.

(b) The purpose or reason for the violator's possession or use of the unauthorized drug, foreign substance, or drug paraphernalia.

(c) The availability of the drug, that is, can it be purchased over the counter, only with a prescription, only with a license for controlled substances, or legally purchased and possessed in this country.

(d) The age and experience of the violator.

(e) Whether the violator has a past record of drug-related violations in this or any other jurisdiction.

(f) What action, if any, was taken by the violator of the rules to avoid such violation?

(g) The average handle at the race meeting where the violation occurred and the purse in the questioned race.

(h) The past performance lines of the horse in question in relation to its performance and reasonably expected performance in the questioned race. The stewards shall not be required to articulate any of the foregoing in their ruling nor shall ignorance of the rules be deemed a mitigating factor.

R 431.3090 Horses; training hours; removal; age; breeding.

Rule 3090. (1) A horse shall not be schooled in the paddock or taken onto a track for training or workout, other than during normal training hours posted by the association, without the permission of the stewards.

(2) During a race meeting, a horse shall not be removed from association grounds without notifying the stewards and, unless released by the racing secretary. A dead or sick horse shall not be removed from association grounds without the prior approval of the racing commissioner's veterinarian or the stewards.

(3) A maiden 7 years of age or older shall not be entered or start unless it has less than 6 lifetime starts.

(4) The name of a filly or mare that has been covered by a stallion shall be so reported to the racing secretary before being entered in a race. A list of all fillies and mares so reported, showing the names of the stallions to which they have been bred, shall be posted in the racing secretary's office.

R 431.4205 Weather-related track conditions.

Rule 4205. (1) In case of questionable track conditions due to weather, the stewards shall call a meeting of a committee which consists of an agent of the association, a representative of the certified horsemen's organization, and 1 steward.

(2) Upon unanimous decision by this committee that track conditions are unsafe for racing, all races shall be canceled.

(3) Upon unanimous decision by this committee that track conditions are safe for racing, only permitted withdrawals for the safety of the horse and participants shall be allowed by the stewards.

(4) Upon majority decision by this committee that track conditions are not safe for racing, only permitted withdrawals for the safety of the horse and participants shall be allowed by the stewards and the stewards shall be allowed to cancel or postpone races in the following manner:

(a) Overnight events. All remaining overnight events for the program in question may be cancelled.

(b) Stake, futurities, early-late closing, invitational and other special events. The track association, with consent of the stewards, after consultation with horsemen representative designated in subrule (1) of this rule, may cancel or postpone special events to a definite day and time not to exceed 7 calendar days from the date of the original postponement. In the event of cancellation, all nominating, sustaining, and starting fees shall be divided equally among remaining eligible entrants.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the State Office of Administrative Hearings and Rules.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**CORRECTED FROM THE JANUARY 28, 2009 PROPOSED RULES PUBLISHED IN THE  
FEBRUARY 15, 2009 MICHIGAN REGISTER**

SOARH 2008-001

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

MICHIGAN BOILER RULES

Filed with the Secretary of State on  
These rules take effect 60 days after filing with Secretary of State

(By authority conferred on the director of the department of energy, labor & economic growth by section 4 of 1965 PA 290, executive reorganization order nos. 1996-2, 2003-1 and 2008-20, MCL 408.754, MCL 445.2001, MCL 445.2011 and MCL 445.2025)

Draft February 26, 2009

R 408.4012, R 408.4024, R 408.4025, R 408.4026, R 408.4027, R 408.4031, R 408.4032, R 408.4033, R 408.4038, R 408.4047, R 408.4057, R 408.4058, R 408.4087, R 408.4109, R 408.4114, R 408.4121, R 408.4127, R 408.4171, R 408.4193, R 408.4195, R 408.4197, R 408.4507, and R 408.4701 of the Michigan Administrative Code are amended to the Code and R 408.4186 of the Code is rescinded as follows:

**PART 1. GENERAL PROVISIONS**

R 408.4012 Definitions.

Rule 12. (1) "Accident" means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler which necessitates the repair or replacement of the boiler or a part of the boiler. "Accident" does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:

- (a) Normal erosion.
- (b) Corrosion.
- (c) Wastage of metal that requires restoration.
- (d) Leaking tubes.
- (e) Weakened metal, such as water legs or handhole areas.

(2) "Act" means 1965 PA 290, MCL 408.751 et seq.

(3) "Aftercooler" means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.

(4) "Alteration" means any change in the item described on the original manufacturer's data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or its piping is an alteration.

(5) “ASME,” “ASME boiler and pressure vessel code,” “ASME code,” or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.

(6) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.

(7) “Board of boiler rules” or “board” means the board created by the act.

(8) “Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.

(9) “Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.

(10) “Boiler blowdown vessel” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

(11) “Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.

(12) “CSD-1” means the ASME code for controls and safety devices for automatically fired boilers.

(13) “Certificate of competency” means a certificate issued to a person who has passed an examination for inspectors prescribed by the board of boiler rules.

(14) “Chief inspector” means the chief boiler inspector appointed under the act.

(15) “Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.

(16) “Department” means the department of **energy**, labor and economic growth.

(17) “Deputy inspector” means an inspector who is licensed under the act and appointed by the director.

(18) “Existing installation” means and includes any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

(19) “External inspection” means an inspection which is conducted while the boiler is under pressure and which does not involve examination of the internal surfaces of the pressure parts of the boiler.

(20) “Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.

(21) “Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication processes.

(22) “Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

(23) “Hobby” means an interest or activity that a person pursues in his or her leisure time without compensation.

(24) “Hot water heating and hot water supply boiler” means a boiler that operates at pressures of not more than 160 psi or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.

(25) “Inspector” means an individual who holds a valid certificate of competency and national board commission.

(26) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

(297) “Labeled” means devices, equipment, appliances, or material to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(278) “Licensed boiler installer” means a person licensed under the act to engage in the business of making piping connections to a boiler or in the business of field-assembling boilers.

(289) “Licensed boiler repairer” means a person licensed under the act to engage in making or supervising all phases of boiler repair, alteration, or field erection.

(320) “Listed” means equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment, appliances, or materials, and whose listing states either that the equipment, appliances, or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

**(301) “Mechanical assembly” means the work necessary to establish or restore a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.**

**(342) “Mechanical repair” means a method of repair which restores a pressure retaining boundary to a safe and satisfactory operating condition, where the pressure retaining boundary is established by a method other than welding or brazing.**

~~(30) “Michigan special” means a boiler that is not built in compliance with the code., or A boiler is a noncode boiler if it is not stamped with the ASME code symbol stamp.~~

(343) “Miniature boiler” means a power boiler that does not have any of the following:

- (a) An inside diameter of the shell of more than 16 inches.
- (b) A working pressure of more than 100 psig.
- (c) A gross volume of more than 5 cubic feet.
- (d) More than 20 square feet of heating surface.

(334) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler which operates on a narrow gauge track that is less than 24 inches wide and which is for public display or use.

**(35) “Modular boiler” means a steam or hot-water heating assembly consisting of a grouping of individual boilers called modules, intended to be installed as a unit, with a single inlet and a single outlet. Modules may be under 1 jacket or may be individually jacketed.**

(3-4-6) “NBIC” means national board inspection code.

(357) “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.

(368) “Nonstandard boiler” means a boiler that does not bear the national board stamping or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.

(39) “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.

**(40) “Out-of-use boiler” means a boiler not ready for use having the fuel supply, electricity, and all piping that may pressurize the boiler disconnected.**

(3841) “Portable boiler” means a boiler which is primarily intended for temporary location and which is, by its construction and usage, obviously portable.

(42) **“Pressure-retaining items” means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination thereof.**

(3943) **“Reinstalled boiler” means a boiler which is removed from its original setting and which is reinstalled at the same location or reinstalled at a new location.**

(404) **“Rental boiler” means a boiler which is in temporary use for not more than 1 year and which may or may not be installed inside a boiler room, temporary room, or temporary shed or without external covering.**

(415) **“Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.**

(426) **“Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.**

(437) **“Special inspector” means a boiler inspector who holds a license in the state of Michigan pursuant to 1965 PA 290, MCL 408.751 et seq. and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or by any city that is exempt under the act and has an authorized boiler inspection department.**

(4-4-8) **“Standard boiler” means a boiler that bears the stamp of the national board of boiler and pressure vessel inspectors or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.**

(4549) **“Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.**

(-4650) **“Used boiler” means a boiler that is being reinstalled by the same owner.**

(4751) **“Water heater” means a heater for use in commercial or industrial sizes providing corrosion resistance for supplying potable hot water at pressures not exceeding 160 psi or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any of the following is exempt from these rules:**

- (a) A heat input of more than 200,000 BTU per hour.
- (b) A water temperature of more than 210 degrees Fahrenheit.
- (c) A nominal water-containing capacity of more than 120 gallons.

R 408.4024 Adoption of ~~national board inspection code (NBIC)~~ by reference.

Rule 24. (1) The owner shall ensure the inspection, repair, and alteration of boilers, piping, and blowdown vessels is in accordance with the ~~national board inspection code~~ **NBIC, 20042007 edition and 2005 addenda** except as modified by these rules. The code ~~and 2005 addenda~~ **are** adopted by reference in these rules and are available for inspection at the Michigan Department of **Energy, Labor & Economic Growth, Bureau of Construction Codes and Fire Safety**, 6546 Mercantile Way, Lansing, Michigan 48911 or from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, at a cost as of the time of adoption of these amendatory rules for a total of ~~\$150.00~~ **189.50**.

(2) The accreditation program described in the NBIC for repairs and alterations to pressure retaining items is mandatory for repairs to all power boilers and high pressure high temperature water boilers and alterations to any boiler not exempt by these rules. Repair companies in possession of a certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items shall have in their employ an individual with an appropriate class repairer license issued by the boiler division of the department. Repair companies not currently in possession of the certificate of authorization or a certificate of authorization issued by ASME shall have 1 year from



the date of adoption of this rule to secure the certificate. Companies currently in possession of a valid certificate issued by ASME have until the next certificate review or 1 year, whichever is greater, to secure the certificate of authorization identified above. The board may waive the time requirement if appropriate justification is presented.

(3) Where the text of the NBIC refers to the “certificate holder,” the reference shall apply to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping, the reference shall refer to repair companies in possession of a valid certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items.

(4) The standard welding procedures referenced in the NBIC are accepted for use in this state, but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures shall file a list of the standard welding procedure identification numbers with the boiler division of the department before conducting any repairs or alterations requiring welding.

R 408.4025 ASME code; adoption by reference.

Rule 25. (1) A boiler, **blow down vessel, and expansion tank** shall be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, ~~2004 edition, and its 2005 addenda.~~ **Sections I, II, III, IV, V, VIII, IX, X, XI, 2007 edition and its 2008a addenda** of the code, and ASME **code B31.1-20042007** edition, power piping, are adopted by reference in these rules and are available for inspection at the Michigan Department of, **Energy, Labor & Economic Growth, Bureau of Construction Codes and Fire Safety**, 6546 Mercantile Way, Lansing, Michigan 48911 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$10,900.00~~ **\$12,874.99** and ~~\$265.00~~ **\$315.00** respectively.

(2) The board may accept pressure-retaining items which have been constructed to standards other than ASME standards and which have been accepted by application of the national board of boiler and pressure vessel inspectors’ criteria for registration procedure.

(3) The owner shall not recalculate design maximum allowable working pressures based on ASME codes published after 1998 for boilers in-service before December 31, 1998.

R 408.4026 Inspection and stamping during construction.

Rule 26. ~~(1) An authorized inspector who is licensed to inspect boilers in this state shall, during construction, inspect all boilers, other than cast iron sectional boilers, to be installed in this state, as required by the applicable rules of the board of boiler rules. If a boiler is constructed outside of this state, an authorized inspector who holds a license as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state as provided for in R 408.4071 or who holds a commission issued by the national board of boiler and pressure vessel inspectors shall inspect the boiler.~~

~~(2) The manufacturer shall register a boiler, blowdown vessel, and expansion tank other than a cast iron sectional boiler built or constructed for use in this state after the effective date of these rules, with the national board of boiler and pressure vessel inspectors.~~

R 408.4027 Adoption; ASME code CSD-1.

Rule 27. (1) The owner shall ensure that the ~~assembly~~ **installation**, maintenance, operation, and testing of controls and safety devices is in accordance with manufacturer’s instructions and ASME code CSD-1, ~~20042006~~ **2006** edition, except as modified by these rules. The code ~~and the 2005 addenda are~~ **is** adopted by reference in these rules and are available for inspection at the Michigan Department of **Energy, Labor & Economic Growth, Bureau of Construction Codes and Fire Safety**, 6546 Mercantile Way, Lansing, Michigan 48911 or from the ~~American Society of Mechanical Engineers~~, 22 Law Drive,

Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$65.00~~**\$85.00**.

(2) An owner or user of a boiler system shall ensure that the ~~assembly~~, maintenance and testing of controls and safety devices is conducted by an individual with a valid mechanical contractor license with the appropriate classification pursuant to 1984 PA 192, MCL 338.971 et seq.

(3) An owner or user shall provide the inspector, at the time of certificate inspection, with evidence showing what tests have been completed annually. The evidence shall be a dated and signed service report or checklist, listing each control and safety device tested with the manufacturer's name, model number, set point, and actual operational test point. An example of a report or checklist may be found in CSD-1, ~~2004~~**2006** edition, appendix C. If an owner does not provide the inspector with the required evidence of annual testing for each year between certificate inspections, then the inspector may issue a certificate of inspection for a term less than that stated in R 408.4057.

**Exception: For hot water heating boilers with a BTU input of 400,000 or less, the requirements of this rule need only be conducted once during an inspection cycle but shall be performed within 12 months prior to the certificate inspection required by R 408.4057(1)(c).**

(4) The owner, user, or operator of a boiler system shall ensure that the daily, weekly, and monthly operational checks are performed and documented pursuant to the manufacturer's instructions and these rules. **If the manufacturer's instructions are not available, CSD-1, ~~2004~~2006 edition**, nonmandatory appendix D contains a recommended checklist for additional information on periodic checks.

**(5) A manually operated remote shutdown switch as required by CSD-1, 2006 edition, shall be located outside of each exit access doorway to the boiler room. The switch may be located just inside each exit access doorway should a possibility of tampering or weather conditions exist. A licensee may request a deviation from the requirements of this subrule by submitting drawings clearly showing the deviation and stating justification for the request to the chief inspector for review and approval before the installation of a boiler. The chief inspector shall notify the licensee of the approval or denial of the request.**

**(6) A single manually operated remote shutdown switch may be used in a multiple boiler installation that shares a common boiler room.**

**Exception: Kitchen cooking boilers, steam kettles, and steam cookers used for food preparation located in a kitchen shall be exempt from a manually operated remote shutdown switch.**

**(7) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.**

R 408.4031 Installation and reinstallation of boilers.

Rule 31. (1) The owner shall ensure that the installation of a new boiler or a reinstalled boiler is in accordance with the requirements of these rules, ~~and the ASME boiler and pressure vessel code, 2004~~**2007** edition, which is adopted by reference in R 408.4025 ~~and the NBIC 2007 edition, which is adopted by reference in R 408.4024.~~

**(2) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.**

Exception: (1) The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required.

**(2) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.408.30701 to R 408.30796.**

**(3) Witnessing of the pressure test required by the NBIC part 1, section 2, paragraph 2.10.2, is not required.**

**(4) The NBIC code, part 1, section 3, paragraph 3.6.1, is enforced by the Michigan mechanical code, R 408.30901 to R 408.30998.**

R 408.4032 Non-boiler external piping; power boilers; adoption of standards by reference.

Rule 32. (1) The owner shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, ~~2004~~**2007** edition, and its ~~2004~~**2008a** addenda is installed as prescribed by the ASME code for pressure piping, B31.1, ~~2004~~**2007** edition, adopted by reference in R 408.4025.

(2) The owner of a chemical plant or petroleum refinery shall comply with subrule (1) of this rule or shall ensure the installation is installed as prescribed by the ASME code for chemical plants and petroleum refineries, B31.3, ~~2002~~**2007** edition.

(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but shall hold a valid installer's license.

(4) The owner shall ensure that the installation of all of the following piping is in accordance with subrule (1) of this rule:

- (a) Blowoff piping beyond the second valve out to the safe point of discharge.
- (b) Steam piping out to the load.
- (c) Feed-water piping from the pump.
- (d) Condensate piping.

R 408.4033 Permits; documentation for installation, reinstallation, alteration, and repair of boilers, boiler external piping, and non-boiler external piping.

Rule 33. (1) All of the following provisions apply to installation permits:

(a) A person shall not install, or reinstall, a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(b) A person shall not install or replace welded pipe without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(c) A person shall not install nonwelded pipe without holding a proper license. A permit is not required.

(2) All of the following provisions apply to repair and alteration permits or reports:

(a) A person shall not alter or repair a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided by section 18 of the act.

(b) A person shall not repair or replace welded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.

(c) A person shall not replace nonwelded piping without holding a proper license. A permit is not required.

(d) A person shall not perform welded repairs to nonwelded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the

permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.

(e) A licensee who makes welded repairs to boilers or boiler external piping requiring the use of the national board “R” symbol stamp shall furnish the boiler division of the department, with 1 copy of the approved permit application, along with reports as required by the NBIC, upon completion of the work.

(f) A public utility or industrial plant that has been granted exemption under section 23 of the act that makes a welded repair to a boiler or boiler external piping, as defined in section I of the ASME code, shall furnish the boiler division of the department with a completed repair report on forms prescribed by the boiler division.

(g) A public utility or industrial plant that has been granted an exemption under section 23 of the act that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by the board of boiler rules.

~~(h3)~~ A permit is required for a change in use of an existing boiler or replacement by mechanical methods, without welding, of sections in sectional boilers; heat exchangers; feed water heater or economizer; and, tube bundles. A licensee replacing boiler components required by these rules to be code symbol stamped and national board registered shall provide the boiler division of the department with documentation supporting compliance **with the manufacturer’s data reports.**

~~(34)~~ Any changes in the scope of work stated on the original permit application shall be submitted to the inspector for review and approval and reported to the boiler division.

#### R 408.4038 Fees.

Rule 38. (1) Fees for licenses, **boiler operator and stationary engineer registration**; permits, certificates, and inspections are as follows:

##### Licenses

Installer license .....	\$80.00.
<b>Installer exam .....</b>	<b>\$100.00.</b>
Installer renewal.....	\$80.00.
Repairer license.....	\$80.00.
Repairer exam .....	\$100.00.
Repairer renewal .....	\$80.00.
Inspector license .....	\$80.00.
Inspector exam .....	\$100.00.
Inspector renewal.....	\$50.00.
<b>Boiler operator registration.....</b>	<b>\$80.00</b>
<b>Boiler operator examination.....</b>	<b>\$100.00</b>
<b>Boiler operator registration renewal.....</b>	<b>\$80.00</b>
<b>Stationary Engineer registration.....</b>	<b>\$80.00</b>
<b>Stationary Engineer written examination.....</b>	<b>\$100.00</b>
<b>Stationary Engineer registration renewal.....</b>	<b>\$80.00</b>
<b>3<sup>rd</sup> class SE oral examination.....</b>	<b>\$150.00</b>
<b>2<sup>nd</sup> class SE oral examination.....</b>	<b>\$200.00</b>
<b>1<sup>st</sup> class SE oral examination.....</b>	<b>\$250.00</b>

**Examination fees are nonrefundable.**

##### Permit applications

Nuclear installation permit application.....	\$1,380.00.
Nuclear repair permit application .....	\$400.00.
Low-pressure installation permit application .....	\$75.00.
High pressure installation permit application .....	\$120.00 +.05 per foot of piping.
Repair permit application.....	\$75.00.

Permit application fees are nonrefundable.

#### Certificates

Certificates .....	<del>\$40.00</del> <b>60.00.</b>
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#### Inspections

Power boilers-150 square feet or less .....	<del>\$50.00</del> <b>70.00.</b>
Power boilers-more than 150 square feet to 4,000 square feet.....	<del>\$145.00</del> <b>165.00.</b>
Power boilers-more than 4,000 square feet to 10,000 square feet.....	<del>\$160.00</del> <b>180.00.</b>
Power boilers-more than 10,000 square feet .....	<del>\$185.00</del> <b>205.00.</b>
Low-pressure heating boiler without manhole .....	<del>\$50.00</del> <b>70.00.</b>
Inspection of an additional low-pressure heating boiler without a manhole at the same physical location, on the same date .....	<del>\$40.00</del> <b>60.00.</b>
Low-pressure heating boiler with manhole .....	<del>\$65.00</del> <b>85.00.</b>
Low-pressure hot water supply boiler .....	<del>\$40.00</del> <b>60.00.</b>
Inspection of an additional low-pressure hot water supply boiler at the same physical location, on the same date .....	<del>\$25.00</del> <b>45.00.</b>
Low-pressure process boiler without manhole .....	<del>\$50.00</del> <b>70.00.</b>
Low-pressure process boiler with manhole .....	<del>\$65.00</del> <b>85.00.</b>
Miniature hobby locomotive boiler .....	\$15.00.

#### Special inspections

(2) The boiler division shall provide special inspections not otherwise covered in the fee schedule. The charge for this service shall be at the rate of \$100.00 for the first hour and \$100.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.

(3) Fees required under these rules shall be paid by cash, money order, or check to the department. Money orders or checks shall be made payable to: "State of Michigan."

#### R 408.4047 Exempt boilers.

Rule 47. These rules do not apply to any of the following:

- (a) A boiler under federal control.
- (b) A swimming pool heater, open car wash heater, and similar types of equipment which do not have intervening valves on the return or discharge piping, which do not have a reduction in pipe size in the return or discharge piping, and which do not generate more than normal circulating pump pressure.
- (c) A miniature steam or marine engine used for a hobby.
- (d) A boiler used in the power plant of a self-propelled vehicle designed primarily for transportation of persons or property on a highway, except for a vehicle used exclusively on stationary rails or tracks.
- (e) A boiler used on a mint farm for mint processing purposes.

- (f) A nonvaporizing, organic fluid boiler if the boiler meets all of the following criteria:
    - (i) The system is vented and does not have valves or restrictions in the pipe between the boiler and the vent.
    - (ii) The vent pipe is sized so that the thermal expansion of the fluid will not result in an increase in pressure on the system, which is verifiable with engineering data.
    - (iii) The owner or user provides the boiler division of the department with calculations performed by an engineer, which verify that pressure due to thermal expansion cannot exist in the boiler as installed.
  - (g) A low-pressure steam boiler that has a volume of less than 5 cubic feet and that does not have piped feed connections.
  - (h) A water tube or coil type hot water heating boiler requiring forced circulation not exceeding any 1 of the following:**
    - (i) Maximum water temperature of 200 degrees Fahrenheit.**
    - (ii) Relief valve set pressure of 30 psi.**
    - (iii) Heat input of 200,000 BTU/hr.**
- Exception. Modular or multiple boiler installations exceeding 1,000,000 BTU/hr input are not exempt.**

R 408.4057 Boiler inspection.

Rule 57. (1) Once a boiler has been inspected by the chief or deputy inspector and the boiler and its installation approved, all certificate inspections shall be conducted in accordance with the NBIC and these rules by an inspector who is properly licensed to inspect boilers in this state in accordance with the following provisions:

- (a) A power boiler, process boiler, or high-pressure, high-temperature water boiler shall receive a certificate inspection annually and shall also be externally inspected annually, while under pressure, within 6 months from the date of the internal inspection.
  - (b) A low-pressure steam or vapor heating boiler shall receive a certificate inspection biennially.
  - (c) Hot water heating and hot water supply boilers shall receive a certificate inspection triennially, with an internal inspection at the discretion of the inspector.
  - (d) A nonvaporizing, organic fluid boiler that is not exempt under these rules shall receive an external certificate inspection triennially.
  - (e) A miniature hobby locomotive boiler shall receive a certificate inspection annually.
  - (f) A grace period of 2 months beyond the periods specified in subdivisions (a) to (e) of this subrule may lapse between certificate inspections, and the board may permit longer periods between certificate inspections.
  - (g) Internal inspection of cast ~~iron~~ boilers shall be at the discretion of the inspector.
- (2) The certificate inspection shall be an internal inspection if construction allows, otherwise the certificate inspection shall be as complete an inspection as possible unless specified otherwise under this rule.
- (3) The chief inspector, deputy inspector, or a special inspector provided for in the act shall make the inspections specified in this rule.
- (4) If, at the discretion of the inspector, a hydrostatic test is necessary, the boiler owner or user shall ensure that the test is performed in the presence of the inspector.

R 408.4058 Extension of internal inspection certificate to 24 months.

Rule 58. (1) An internal boiler inspection may be increased from an annual inspection to a 24-month inspection frequency by approval of the board of boiler rules. An employee delegated by the utility or

industrial facility shall apply for the extension. The following information shall be addressed by plant orders, procedures, or policies:

- (a) Operator training.
- (b) Boiler maintenance.
- (c) Water chemistry.
- (d) Operating parameters.
- (e) Chemical cleaning schedule.
- (f) Protective devices.
- (g) Boiler external inspection.

(h) Testing of pressure relief valves in accordance with the NBIC. Repairs shall be conducted by the valve manufacturer or a “VR” stamp holder.

The information may be contained in 1 document or several if 1 document contains references to all other documents addressing the required information.

(2) The plant owner shall establish a review committee. The inspector shall be a member of the committee. The purpose of the committee is to determine the acceptability of a boiler to operate safely for a 24-month period. The committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review **committee meeting** shall be conducted within 30 days after the internal inspection. The committee may decrease the period of time the boiler may operate, but shall not extend the period beyond 24 months. **The signed summary report of the review committee meeting shall be submitted to the boiler division of the department.** The grace period provided under R 408.4057 does not apply to this rule. The inspector shall indicate the next inspection due date on his or her inspection report to the boiler division of the department.

**(3) Utilities or industrial facilities with a prescheduled boiler internal certificate inspection period shall communicate with the boiler division the date when the boiler is removed from service. The boiler internal inspection may occur at any time during the outage period. The next 24-month operating period shall be calculated based on the date of the certificate inspection conducted during this period.**

**(34)** An external inspection of the boiler shall be conducted while under pressure, within 12 months of the ~~internal~~ **certificate** inspection.

#### R 408.4087 Reporting unregistered boilers.

Rule 87. (1) If ~~an~~ **special** inspector visits a location to conduct an inspection as required by these rules, then he or she shall report the location of all boilers that are not registered. The report shall be in addition to the report pertaining to the inspection of registered boilers and their installation. The chief inspector shall assign a deputy inspector to visit the location to inspect all unregistered boilers and affix a Michigan serial number.

(2) If an inspector makes an inspection of a boiler that does not bear a Michigan serial number, then the inspector shall attempt to verify whether the boiler is unregistered or is missing the serial number tag. If the inspector is unable to determine that the boiler is registered, then he or she shall report it as prescribed in subrule (1) of this rule.

#### R 408.4109 Classes of boiler installer’s licenses.

Rule 109. (1) A class 1B installer’s license qualifies a person to install a low-pressure boiler that does not exceed a firing rate of 1,000,000 Btu per hour as certified by the boiler manufacturer. For a class 1B license, the sum of all modules in a modular boiler shall not exceed a firing rate of 1,000,000 Btu per hour as certified by the boiler manufacturer.

(2) A class 2B installer’s license qualifies a person to **do all of the following:**

- (a) ~~i~~Install a low-pressure boiler of any capacity or firing rate.
- (b) ~~and to~~ Perform work covered by a class 1B license.
- (3) A class 3B installer's license qualifies a person to **do all of the following:**
  - (a) ~~i~~Install a power boiler, that has a capacity of not more than 5,000 pounds of steam per hour.
  - (b) **Install or replace non-boiler external piping as defined by ASME code B31.1 and R 408.4032.**
  - (c) ~~and to~~ Perform work covered by a class 2B license.
- (4) A class 4B installer's license qualifies a person to **do all of the following:**
  - (a) ~~i~~Install a boiler that has a capacity of not more than 300,000 pounds of steam per hour.
  - (b) **Install or replace non-boiler external piping as defined by ASME code B31.1 and R 408.4032.**
  - (c) ~~and to~~ Perform work covered by a class 3B license.
- (5) A class 5B installer's license qualifies a person to **do all of the following:**
  - (a) ~~i~~Install a boiler of any capacity or firing rate. ~~e~~**Exception:** ~~for~~ a nuclear heat source boiler.
  - (b) **Install or replace non-boiler external piping as defined by ASME code B31.1 and R 408.4032.**
  - (c) Perform work covered by a class 4B license.
- (6) A class 6B installer's license qualifies a person to install a boiler that utilizes a nuclear heat source or its parts, appurtenances, or system components. Before a license is issued, an applicant for a class 6B license shall **submit** ~~give~~ evidence of **both of the following:**
  - (a) ~~F~~**F**amiliarity with and knowledge of all federal rules and regulations regarding the installation of a boiler that has a nuclear heat source. ~~and shall be in the employ of~~
  - (b) **Employment by** a company in possession of a valid ASME nuclear code symbol applicable to the portions of any nuclear boiler system that the company proposes to install.
- (7) A class P license qualifies a person to install **or replace** non-boiler external piping or repair non-boiler external piping as defined by ASME code B31.1 and R 408.4032.

R 408.4114 Inspection of components and systems in a nuclear power plant.

Rule 114. (1) Preservice (baseline) inspection, in-service inspection, repair, replacement, modification, alteration, examination, testing, records, and reports of individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, applicable associated auxiliary systems, and complete nuclear power plants that are in compliance with all of the requirements of the construction code, at the point in time the requirements have been completed, irrespective of the physical location, shall be as prescribed in section XI, rules for in-service inspection of nuclear power plant components, of the ASME boiler and pressure vessel code. A copy of the current edition of section XI is available for inspection at the Michigan Department of **Energy, Labor & Economic Growth**, Bureau of Construction Codes ~~and Fire Safety~~, 6546 Mercantile Way, Lansing, Michigan 48911 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of \$~~495.00~~**610.00**.

(2) The owner of a nuclear power plant shall file inspection plans and schedules, pump and valve testing programs, and requests for relief from section XI of the ASME code requirements with the boiler division of the department.

(3) The nuclear power plant shall maintain compliance with requirements, as prescribed by the ~~N~~nuclear ~~R~~regulatory ~~C~~commission.

R 408.4121 Examination for boiler repairer's license; establishment; administration; nuclear repairer license applicant; certificate of authorization; examination.

Rule 121. (1) ~~The examination for a boiler repairer's license shall be approved by the board of boiler rules.~~ The examination ~~will~~ **shall** be held quarterly at a location determined by the boiler division of the department.



(2) An applicant wishing to upgrade his or her license to a higher classification shall take the examination prescribed in subrule (1) of this rule.

(3) The director, upon the request of a company in possession of a valid ASME “N” type certificate of authorization or the national board of boiler and pressure vessel inspectors “NR” certificate of authorization, shall issue, to an individual of the company, a license as a nuclear repairer if the individual, before receiving his or her license, satisfactorily passes the examination prescribed in subrule (1) of this rule.

R 408.4127 Boiler repairers; classes of licenses.

Rule 127. (1) A class I license allows a licensee to repair a boiler by means other than welding, riveting, or other fabrication process.

(2) A class II license allows a licensee to **do both of the following:**

(a) ~~repair~~ **Repair** a low-pressure boiler, a hot water supply boiler, and a fire tube boiler of any pressure.

(b) ~~and to p~~ **Perform** work covered by a class I license.

(3) A class III license allows a licensee to **do all of the following:**

(a) ~~Repair a high-pressure water-tube boiler.~~

(b) **Repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 408.4032.** ~~designed for a maximum allowable working pressure of not more than 700 psi and~~

(c) **Perform work** ~~a boiler~~ covered by a class II license.

(4) A class IV license allows a licensee to **do all of the following:**

(a) ~~Repair or field erect a boiler of any pressure.~~ **Exception:** ~~for a boiler that has a nuclear heat source.~~

(b) **Repair or replace non-boiler external piping as defined by ASME code B31.1 and R 408.4032.**

~~A licensee who field erects boilers shall be in the employ of a company in possession of the appropriate ASME code symbol stamps for the type of boiler being erected.~~

(5) A class V license allows a licensee to erect and repair a boiler that has a nuclear heat source or its parts, appurtenances, or system components, **and also provides the following:**

(a) **The licensee may repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 408.4032.**

(b) Before a license is issued, an applicant for a class V license shall ~~give~~ **submit** evidence of **the following:**

(i) ~~Familiarity with and knowledge of all federal rules and regulations regarding the construction of a boiler that has a nuclear heat source.~~ ~~and shall be employed by a~~

(ii) **Employment by** a company in possession of a valid ASME N-type symbol stamp applicable to the portions of any nuclear boiler system he or she proposes to repair.

(6) A class P license qualifies a person to install or repair non-boiler external piping as defined by ASME code B31.1 **and R 408.4032.**

(7) A licensed boiler repairer shall secure a permit for a change in use of an existing boiler or replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles in accordance with R 408.4033.

R 408.4171 Removal of used boilers from the state.

Rule 171. (1) If an ASME boiler located in this state is to be moved to another state for temporary use or repairs, application shall be made by the owner ~~or user~~ to the chief inspector for permission to reinstall the boiler in this state **as prescribed in R 408.4177.**

**(2) Repairs conducted outside of this state to boilers that will be reinstalled in this state shall be conducted by an organization in possession of a valid certificate of authorization to repair boilers. The organization shall conduct the repair in accordance with the NBIC and submit all forms required by the NBIC.**

**R 408.4186 ~~Rescinded.~~Steam cleaners.**

~~—Rule 186. (1) A steam cleaner is subject to all of the provisions of these rules and the act if steam is generated in the coils or any of the following limitations are exceeded:~~

~~—(a) A 3/4 inch diameter tube or pipe that does not have drums or heads attached.~~

~~—(b) A nominal water-containing capacity of 6 gallons.~~

~~—(c) A water temperature of 350 degrees Fahrenheit.~~

~~—(d) A Btu input per hour of 800,000.~~

~~—(2) A steam cleaner that does not exceed any of the limitations specified in subrule (1) of this rule is exempt from these rules and the act if equipped with adequate controls and with appropriate ASME safety valves.~~

**R 408.4193 Stairways, ladders, platforms, and runways.**

~~Rule 193. (1) If the distance from the floor to the top of a boiler or boiler setting is more than 8 feet, then a permanent stairway or permanently attached inclined or vertical ladder shall be installed to give safe access to, and permit exit from, boiler tops. A permanent platform that provides access to the main stop valve and safety valves of a boiler shall be installed without obstructing the valves. A platform is not required for main stop valves that are operated from a remote location.~~

~~—(2) If the distance from the floor to the top of 2 or more adjacent boilers or boiler settings is more than 8 feet, then a steel runway or platform which is not less than 18 inches wide and which is provided with standard handrails and toeboards on either side shall be installed across the top of adjacent boilers or at some other convenient level to afford safe access to the boiler. A runway shall have not less than 2 means of exit which are remotely located from each other and which are connected to a permanent stairway or inclined ladder leading to the floor level.~~

~~—(3) If the distance from the top of a boiler or boiler setting to the ceiling is less than 6 feet, then special consideration to meet the requirements of this rule will be given by the chief inspector upon receipt of detailed plan information. The chief inspector shall notify the owner or user of his or her decision regarding a request for special consideration and, if denied, shall indicate his or her reasons for the denial.~~

~~—(4) If the low point of a water column is located 15 feet or more above the floor or walkway, then a platform that has a standard toeboard shall be installed.~~

~~(5) A platform shall be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.~~

~~(6) A boiler shall be provided with platforms at cleanout openings on the side walls that are more than 4 feet above the floor or walkway.~~

~~(7) An inspector shall notify the chief inspector of an owner or user who is required to conform to this rule, and the chief inspector shall give written notice to the owner or user that the installation of the required stairway, runway, platform, or ladder is to be made. The owner or user shall be allowed 1 year from the date of the chief inspector's notification to complete the work.~~

~~(8) A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The licensee will be notified by the chief inspector of the approval or denial of the request.~~

R 408.4195 Exits from boiler rooms.

Rule 195. ~~(1) The owner shall ensure that the exit from a boiler room has complies with the requirements specified in the Michigan building code, R 408.30401 to R 408.30547, not less than 2 egress doorways where the area of the room is more than 500 square feet and the Btu/hour input capacity of the boiler or boilers is more than 400,000 Btu/hour.~~

~~–(2) The owner shall ensure that doorways are separated by a horizontal distance equal to not less than 1/2 of the diagonal dimension of the room. If 2 doorways are required by this rule, then a fixed ladder access out of the room is permitted in place of 1 doorway.~~

~~–(3) An inspector shall notify the chief inspector of an owner or user who is required to comply with subrule (1) of this rule. The chief inspector shall give written notice to the owner or user that the necessary work must be completed within 1 year from the date of notification.~~

R 408.4197 Clearance between boilers and other objects.

Rule 197. (1) A licensee performing an installation shall assure that a minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery. The licensee shall assure that clearances are in accordance with the manufacturer's instructions where required clearances are greater than the minimum required by this rule. The boiler owner shall assure that the clearances are maintained for the life of the boiler and shall not be infringed upon by items in storage.

**(2) The elevation of a boiler above the floor shall be as specified in the Michigan mechanical code, R 408.30901 to R 408.30998.**

**(23)** A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.

## PART 5. INSERVICE INSPECTION OF BOILERS

R 408.4507 ~~Special~~**Pressure hydrostatic testing.**

Rule 507. **The inspector may require a pressure test to assess leak tightness of the pressure retaining item. Pressure testing methods shall be as described in the NBIC.**~~(1) At the interval specified by this rule, the owner shall ensure that a special hydrostatic test is performed. The owner shall ensure that the test pressure is not less than 80% of the maximum allowable working pressure and is not more than 1 1/2 times the maximum allowable working pressure. The test pressure shall be acceptable to the inspector. The owner shall ensure that the water temperature used to apply the hydrostatic test is not less than 70 degrees Fahrenheit and that the maximum metal temperature is not more than 120 degrees Fahrenheit. Hold time for the examination by the inspector shall be the time necessary for the inspector to conduct the examination, but not less than 10 minutes. The inspector may require the owner to expose all longitudinal seams, girth seams, boiler supports, and attachments for inspection. All of the following are required for testing:~~

~~–(a) The owner shall ensure that a test of a riveted boiler is performed at 30 years and every 4 years thereafter. An inspector may require removal of rivets to ascertain their condition.~~

~~–(b) The owner shall ensure that a test of a lap seam boiler which is less than 36 inches in diameter and which operates at 100 psig or less is performed at 20 years and every 4 years thereafter. A lap seam boiler which is more than 36 inches in diameter or which operates at more than 100 psig shall not operate in this state.~~

- ~~–(c) The owner shall ensure that a test is performed on a welded boiler at 30 years and every 8 years thereafter for boilers on a 1 or 2 year inspection frequency and every 9 years for boilers on a 3 year inspection frequency.~~
- ~~–(d) The owner shall ensure that a leak test is performed on a mechanically assembled boiler at 30 years and every 8 years thereafter. The hydrostatic pressure shall not exceed the safety/safety relief valve setting. The inspector may require an internal inspection.~~
- ~~–(e) The owner may request a waiver of the special hydrostatic test required under this rule to the chief inspector if the boiler stated in the request has been granted an extension of the internal inspection frequency under R 408.4058. If a waiver is granted, the review committee established under R 408.4058 shall evaluate the condition of the boiler during each review to determine if a hydrostatic test is necessary.~~
- ~~–(2) The inspector may require a nondestructive examination for seams or weldments that are inaccessible.~~

## PART 7. BOILER BLOWOFF SYSTEMS

R 408.4701 Design and construction of blowdown vessel reports.

Rule 701. (1) The owner shall ensure that blowdown vessels for use in the state of Michigan are designed and constructed as prescribed by these rules and the ASME boiler and pressure vessel code, section VIII, division 1, entitled “Unfired Pressure Vessels,” ~~2004~~**2007** edition, and its ~~2005~~**2008a** addenda which are adopted by reference in these rules and are available for inspection at the Michigan Department of **Energy**, Labor & Economic Growth, Bureau of Construction Codes, 6546 Mercantile Way, Lansing, Michigan 48911 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of ~~\$495.00~~**\$610.00**. National board of boiler and pressure vessel inspector document NB-27, 2004 edition, may be used as a guide for the design of blowdown tanks.

(2) The owner shall ensure that a blowdown vessel has a minimum allowable working pressure of 50 psig and that the installation complies with these rules and the vessel manufacturer’s instructions.

(a) The blowdown vessel, its fittings, and connections shall be sized so that the internal pressure does not rise more than 5 psig above ambient pressure during the blowdown.

(b) The blowdown vessel shall be provided with adequate openings to facilitate internal cleaning and inspection. An internal inspection of the blowdown vessel shall be conducted during the certificate inspection of the boiler.

(c) The blowdown vessel shall be provided with the following fittings and connection openings in addition to those provided by the manufacturer for the proper installation and operation of the vessel:

- (i) A vent connection.
- (ii) A drain connection. A drain connection is not required on a separator.
- (iii) A thermometer that has a maximum scale reading of 300 degrees Fahrenheit and that is located in the water outlet from the blowdown vessel.
- (iv) A pressure gauge that is graduated from 0 to 30 psig and that is attached to the top of the steam space of the blowdown vessel.

(d) The blowdown vessel shall be installed in a location that prevents it and its connected piping from freezing and shall be installed in a manner that permits both internal and external inspection.

(3) A manufacturer shall provide the boiler division of the department, with the manufacturer’s data reports. A data report that is signed by an authorized inspector, together with the ASME code symbol stamp on the vessel, is the record denoting that the blowdown vessel has been constructed in accordance with the ASME code.

(4) The manufacturer shall register all blowdown vessels for use in the state of Michigan with the national board of boiler and pressure vessel inspector.

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**NOTICE OF PUBLIC HEARING**

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DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES  
NOTICE OF PUBLIC HEARING

Michigan Boiler Rules (SOAHR# 2008-001 LG)

**The Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, will hold a public hearing on March 26, 2009, at 9:30 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, Michigan 48864. The proposed effective date of the rule set is July 30, 2009.**

The public hearing is to receive public comments on the proposed amendments to the administrative rules. The purposed rules will update the Michigan Boiler Rules to adopt the 2007 editions of the ASME Code and the National Board Inspection Code. The rule updates will allow Michigan to enforce the most current standards to assure that boilers are manufactured, installed, and inspected to the safest standards. The hearing is being conducted by authority conferred on the Director of the Department of Energy, Labor & Economic Growth by Section 4 of 1965 PA 290, Executive Reorganization Order Nos. 1996-2, 2003-1 and 2008-20, MCL 408.754, MCL 445.2001, MCL 445.2011 and MCL 445.2025.

The proposed rules will be published in the February 15, 2009 *Michigan Register*. Copies of the proposed Michigan amendments to the Michigan Boiler Rules may be obtained for a fee of \$3.00 by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at [www.michigan.gov/bcc](http://www.michigan.gov/bcc). The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on March 26, 2009, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., March 26, 2009. If your presentation is in written form, please provide a copy to a rules analyst at the conclusion of your testimony.

Department of Energy, Labor & Economic Growth  
Bureau of Construction Codes  
Office of Administrative Services  
P.O. Box 30254  
Lansing, MI 48909  
Telephone (517) 335-2972  
Facsimile (517) 241-9570  
[matsumotos@michigan.gov](mailto:matsumotos@michigan.gov)

**Be sure all cellular telephones and pagers are turned off or set to vibrate.**

**The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Tracie Pack at 517-335-2972 (voice) or**

**517-322-5987 (TTY) at least 14 days prior to the hearing. DELEG is an equal opportunity employer/program.**

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**PROPOSED ADMINISTRATIVE RULES**

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SOAHR 2009-002

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

PSYCHOLOGY - GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of community health by sections 16145(3) and 18201 of 1978 PA 368, MCL 333.16145(3) and 333.18201 et seq. and Executive Order Nos. 1996-1, 1996-2, and 2003-1, being MCL 330.3101, 445.2001 and 445.2011)

Draft February 10, 2009

R 338.2511 of the Michigan Administrative Code is amended as follows:

R 338.2511 Accreditation; asppb/national register designation for doctoral programs; adoption by reference.

Rule 11. (1) To determine “regionally accredited” as provided in section 18223(1) and (2) of the code, the board adopts by reference the policy and procedures for recognition of accrediting organizations of the council for higher education accreditation (chea), effective January 2006, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulations. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Board of Psychology, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council’s website at <http://www.chea.org>, at no cost. The federal recognition criteria also may be obtained from the U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202 or from the department’s website at <http://www.ed.gov> at no cost.

(2) The board adopts by reference the standards of the following postsecondary accrediting organizations, which are available for inspection and distribution at cost from the Board of Psychology, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Copies of the following standards may be obtained from the individual accrediting organization at the identified cost:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled “Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for



Accreditation”, 2004 edition, which is available free of charge on the association’s website at <http://www.msche.or> or for purchase at a cost of \$7.40 as of the time of adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, set forth in the document entitled “Standards for Accreditation”, 2005 Edition, which is available free of charge on the association’s website at <http://www.neasc.org> or for purchase at a cost of \$5.00 as of the time of adoption of these rules.

(c) The standards of the North Central Association of Colleges and Schools, the Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the document entitled “Handbook of Accreditation”, Third Edition, which is available for purchase through the association’s website at <http://www.ncahigherlearningcommission.org> at a cost of \$30.00 as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165<sup>th</sup> Avenue NE, Suite 100, Redmond, WA 98052, set forth in the document entitled “Accreditation Handbook”, 2003 edition, which is available for purchase at a cost of \$20.00 as of the time of adoption of these rules, or through the association’s website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled “Principles of Accreditation: Foundations for Quality Enhancement”, copyright 2004, which is available free of charge on the association’s website at <http://www.sacscoc.org>.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled “Handbook of Accreditation”, January 2001, which is available free of charge on the commission’s website at <http://www.wascweb.org> or for purchase at a cost of \$20.00 as of the time of adoption of these rules.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949 set forth in the document entitled “Accreditation Reference Handbook”, August 2005, which is available free of charge on the commission’s website at <http://www.accjc.org>.

(3) For psychology doctoral programs, the board adopts by reference the following criteria and standards:

(a) The designation criteria of the national register of health service providers in psychology and the association of state and provincial psychology boards set forth in the publication entitled “Guidelines for Defining a Doctoral Degree in Psychology” April 2004, which is available for inspection and distribution at cost from the Board of Psychology, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, Lansing, MI 48909. Copies of the guidelines are available at no cost from the National Register of Health Services Providers in Psychology, 1120 G St. NW, Suite 330, Washington, D.C. 20005 or at the national register’s website at [www.nationalregister.org](http://www.nationalregister.org), or from the Association of State and Provincial Psychology Boards, P.O. Box 241245, Montgomery, AL 36124-1245 or at the association’s website at [www.asppb.org](http://www.asppb.org).

(b) The accreditation guidelines and principles of the American psychological association as set forth in the publication entitled “Guidelines and Principles for Accreditation of Programs in Professional Psychology”, July 1, 2005, which is available for inspection and distribution at cost from the Board of Psychology, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, Lansing, MI 48909. Copies of the guidelines are available at no cost from the American Psychological Association, 750 First Street NE, Washington, DC 20002-4242, or from the association’s website at no cost at <http://www.apa.org>.

(c) The accreditation standards of the Canadian psychological association as set forth in the publication entitled “Accreditation Standards and Procedures for Doctoral Programmes and Internships in Professional Psychology”, June 2002, which is available for inspection and distribution at cost from the Board of Psychology, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, Lansing, MI 48909. Copies of the accreditation standards are available at no cost from the Canadian Psychological Association, 141 Laurier Avenue West, Suite 702, Ottawa, ON K1P 5J3 or at the association’s website at <http://www.cpa.ca/accreditation>.

(4) Completion of a doctoral program in psychology that has obtained the national register’s and association of state and provincial psychology boards’ designation or accreditation by either the American psychological association or the Canadian psychological association shall be evidence of completion of a program acceptable to the department and approved by the board. This subrule takes effect ~~June 30, 2009~~ August 1, 2011.

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**NOTICE OF PUBLIC HEARING**

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**NOTICE OF PUBLIC HEARING**

**March 23, 2009**

**Board of Psychology-General Rules  
Rule # 2009-002**

The Department of Community Health will hold a public hearing on Monday, March 23, 2009, at 9:00 a.m. at the office of the department's Bureau of Health Professions, 611 W. Ottawa, Lansing, Michigan 48933, Conference Room 2.

The public hearing is being held to receive comments on the proposed rule extending the deadline requiring doctoral programs in psychology to obtain accreditation by the American Psychological Association or designation by the Association of State and Provincial Psychology Boards/National Register. This rule is promulgated under the authority of MCL 333.16148 and MCL 333.18223, Public Act 368 of 1978, as amended. These rules are proposed to become effective immediately upon filing with the Secretary of State.

Comments on the proposed rule change will be accepted until 5:00 p.m. on Monday, March 23, 2009. Please direct written communications to:

Department of Community Health  
Bureau of Health Professions  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Amy Shell, Manager  
Policy Administration and Board Support  
E-mail address: [shella1@michigan.gov](mailto:shella1@michigan.gov)

A copy of the proposed rules may be obtained by contacting the Bureau at the address noted above. Electronic copies may also be obtained at <http://www.michigan.gov/orr>.

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Laurie VanBeelen at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2009 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2009 SESSION)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1	4239		Yes	3/11	3/11	3/11/09	Employment security; administration; persons to whom agency information may be disclosed and assessment of solvency tax; revise. <b>(Rep. B. Constan)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2009 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

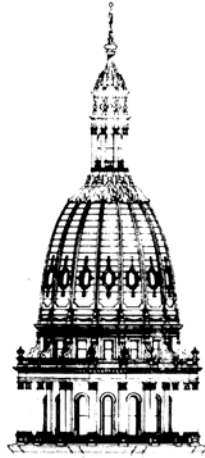
*(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2009 RULE FILINGS)**

R Number	Action	2009 MR Issue	R Number	Action	2009 MR Issue
209.1	*	2009	209.63	A	2009
209.3	R	2009	209.64	A	2009
209.5	R	2009	209.65	A	2009
209.7	*	2009	209.66	A	2009
209.8	*	2009	209.67	A	2009
209.11	R	2009	209.68	A	2009
209.13	*	2009	209.71	R	2009
209.14	R	2009	209.72	R	2009
209.15	R	2009	209.73	R	2009
209.16	*	2009	209.74	R	2009
209.17	R	2009	209.75	R	2009
209.18	R	2009	209.76	A	2009
209.19	*	2009	209.81	A	2009
209.21	R	2009	209.91	A	2009
209.23	R	2009	209.101	A	2009
209.24	*	2009	209.111	A	2009
209.25	*	2009	431.1301	*	2009
209.26	*	2009	431.3090	*	2009
209.28	*	2009	431.4205	*	2009
209.31	A	2009			
209.32	A	2009			
209.33	A	2009			
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